

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)
MINUTES**

Thursday, May 26, 2011
1:00 pm – 3:00 pm
Arizona State Courts Building – Room 345B
Phoenix, Arizona

MEMBERS PRESENT:

Honorable Roxanne Song Ong, Chair
Mike Baumstark
Jesus Diaz
Margarita Silva

PRESENT TELEPHONICALLY:

Honorable Peter Eckerstrom
Karin Humiston
Niccole King
Lisa Loo
Honorable Leslie Miller
Honorable Penny Willrich (Ret.)

MEMBERS ABSENT:

Honorable Maria Avilez
Diandra Benally
Joi Hollis
Honorable Mitchell D.K. Kalauli
Honorable Marie Lorona
Honorable Monyette Nyquist
Kendall Rhyne
Patricia Seguin
Arthur Wilkerson

STAFF:

Susan Pickard, Court Services Division, AOC
Annette Mariani, Court Services Division, AOC

Guest (s):

Mr. Gerald Richard - President, Arizona Black
Bar, Phoenix, Arizona
Theresa Barrett – Court Programs Unit, AOC

REGULAR BUSINESS

1. **Call to Order:**
Honorable Roxanne Song Ong called the meeting to order without a quorum present.
2. **Welcome, Introductions:**
 - a. Commission members present and on the telephone introduced themselves.

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

3. 4th Statewide Report Card – Jesus Diaz

During the March 2, 2011 meeting, the Commission discussed the findings that African American youth were nearly five times more likely to be direct filed into adult court than white youth. Data for fiscal year 2010 has been analyzed and indicated a decrease in the Relative Rate Index from 4.57 (2008) to 2.9 (2010).

The 4th Statewide Report Card was scheduled to be presented to the Juvenile Court Administrator's in April, but was rescheduled for June 24, 2011. Future presentations include: the Pima County Juvenile Executive Board and the county attorneys that deal specifically with juvenile cases. If the Commission members are aware of any other groups that would be interested in this presentation, they were asked to contact Jesus Diaz.

In April, Administrative Directive 2011-12 was issued adopting the Juvenile Detention Operations Standards which represent the minimum requirements that shall be in place for the delivery of secure care services within a juvenile detention center. Each county is required to develop and utilize a standardized risk assessment instrument, using evidence-based practices, to determine whether a youth shall be detained when referred by law enforcement, or other appropriate sources, to the detention center. A factor in developing the risk assessment is identifying data. This data must include age, gender and race or ethnicity. The collection of this data will assist in the Commission's continued monitoring for disproportionate minority youth contact.

The commission chair and members thanked Jesus Diaz and all involved in the compilation of this report for all their hard work and commitment in producing this valuable resource.

4. Approval of Minutes

As a quorum was reached, the minutes were reviewed for approval.

Motion: To approve the minutes of the March 2, 2011 meeting as written. The motion was seconded and approved. COM-011-03

5. Diversity Workgroup Project – Honorable Peter Eckerstrom

The members of this workgroup have been polling the various minority bar associations to gather information for the Commission for the purpose of acting as a clearinghouse and support organization to increase diversity in the judiciary. Inquiries have been made to ascertain what the minority bar associations are doing to alert their members to various openings in the judiciary. One of the goals is to develop a website that provides information about the judicial appointment process and contacts for educational

opportunities that can be used by bar associations and those interested in applying for judgeships. Response thus far included:

- ✓ Five of the 6 minority bar associations have responded to the Workgroup's inquiries.
- ✓ *Arizona Minority Bar Association* and *Arizona Women's Law Association*: Both organizations have been responsive. It was noted that the AZ Women's Law Association has submitted a very comprehensive response in terms of what they are doing to encourage minorities to apply.
- ✓ *Arizona Black Bar Association* and *Arizona Asian Bar Association*: Both organizations are in the process of forming committees to address judicial diversity efforts in order to respond to the Commission's inquiries regarding best practices.
- ✓ *The Native American Bar Association*: This minority bar is in the process of compiling a response with a goal of submitting it to their board in mid-June for approval for release to the Commission.
- ✓ *Los Abogados*: Leadership provided a verbal response at the meeting which is captured under this agenda item.

The question of what components should be included in the website was then raised. Discussion included:

- ✓ Relevant applications forms
- ✓ Relevant statutes regarding merit selection
- ✓ Contact phone numbers to the various bar associations
- ✓ Identification of what bars are doing in regards to diversity on the bench
- ✓ Have a community forum, in the form of a comment page, to discuss what persons have experienced in the past in regards to interviews, inquiries, do's and don'ts, etc.
- ✓ A link to job postings
- ✓ Hosting of this site: perhaps have a page off the COM website or its own page
- ✓ Listing of all members of the minority bar associations in order to send them information on the website
- ✓ Another avenue to get information out on the website could be E-Legal and the Arizona Attorney Magazine. Perhaps have a guest column in one of these publications that would introduce the website and the link.
- ✓ Having a standing column devoted to diversity efforts in one of these resources on a monthly basis was mentioned.
- ✓ Author a resource/informational document for the Chief Justice or the chairs of the judicial appointment commissions to reference that would give some background on diversity issues.

Update on Los Abogados: Margarita Silva

Ms. Silva provided a report on Los Abogados initiatives. Highlights included:

- ✓ They have a comprehensive program where they monitor all judicial openings.
- ✓ If there are judicial openings, that information is included in their weekly email blast to members.
- ✓ Monthly boards meetings are set up along with regular luncheons to discuss issue of judicial openings.
- ✓ Many of the young members are approached and given information and encouragement in regards to judgeships.

- ✓ A standing appointments committee helps to mentor those that are interested in applying for judicial openings.
- ✓ It was noted that Los Abogados does not officially support any candidate. Rather, members are encouraged to support their favorite candidate.
- ✓ Members facilitate moot court practice interviews and sample questions asked by merit selection boards are kept for review or recap purposes.
- ✓ The organization is making concerted efforts to have their members appointed to other boards and commissions to broaden their recognition factor.

Ms. Silva will provide information from her update in written form for future website content.

Update on Arizona Black Bar – Mr. Gerald Richard

Mr. Richard presented information regarding the status of this organization's goals.

- ✓ The Arizona Black Bar is in a rebuilding phase
- ✓ 20 members attend on a monthly basis
- ✓ Have established a judicial appointment committee. Committee does support their members.
- ✓ Have attended the last trial court commission meeting.
- ✓ Would like to co-host the judicial appointment workshop along with the Commission and look for more information in regards to this.

ACTION ITEM: Staff will explore what is required to establish a website and will report back to members.

6. Strategic Planning for July – Susan Pickard

Staff provided a recap of prior Commission projects to set the stage for future planning.

Accomplishments:

- ✓ Diversity Broadcast – This project was well received; there was an interest in having more cultural competency training in addition to having individuals from other states asking to reproduce the program.
- ✓ 4th Statewide Report Card – This project has been expanded to introduce trend lines over the years.
- ✓ Cultural Competency Workgroup – This Workgroup provided a definition for cultural competency and a diversity statement.

Items that were put on back burner:

- ✓ Town hall meetings – due to budgetary issues

7. Call to Public

Gerald Richard – President Black Bar Association - (ABB)

It was noted that the response to the Diversity Workgroup's inquiry from the Arizona Black Bar was previously submitted by retired judge Penny Willrich. Mr. Richard highlighted one revision to that response, specifically the name of the BLSA representative to the University of Arizona should read Nicholle Harris – not Ijana Harris. Mr. Richard indicated the tremendous amount of input and support the Arizona Black

Bar has received from the Phoenix School of Law and its dean. They have allowed them to host meetings at their facility, and the student body has been very participatory. The ABB has reciprocated by attending their events to show support.

In closing, Mr. Richard made these additional comments:

1. He commended Jesus Diaz for all the work he has done and continues to do statewide with the positive program dealing with over-representation.
2. He noted that Ms. Frankie Jones who is a bureau chief in the Criminal Division of Maricopa County Attorney's Office has expressed interest in serving on this commission as a representative from the Arizona Black Bar.
3. He acknowledged Judge Penny Willrich for being instrumental in heading up the membership drive and bringing back the ABB into an operational organization.
4. He commended the Commission on their continued efforts
5. He commended Margarita Silva for all her years and hard work on the Commission.

8. NEXT MEETING

The next full commission meeting is scheduled for Thursday, September 29, 2011 at the Arizona Courts Building, Conference Rooms 230 from 1:00 – 4:00 pm.

ACTION ITEMS: Prior to next meeting:

- Send Link to Chief Justice Strategic Plan to members for review
- Send goals that were set in 2009 and the commission last strategic plan
- Send list of accomplishments
- Send hard copy of 4th Statewide Report Card to members

Adjourned at 2:13 p.m.